



FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF GENERAL COUNSEL

# Memorandum

**TO:** Director, Reference Information Center  
Chief, Wireline Competition Bureau

**FROM:** *DMA* Daniel M. Armstrong  
Associate General Counsel

**SUBJECT:** *United States Telecom Association, et al. v. FCC & USA*, No. 05-1058 (D.C. Cir.); *Remi Retail Communications LLC v. FCC & USA*, No. 05-1629 (Third Cir.); *DataNet Systems, LLC v. FCC & USA*, No. 05-1475 (Seventh Cir.); and *Utility Telephone, Inc. v. FCC & USA*, No. 05-71163 (Ninth Cir.). Filing of four Petitions for Review in the United States Courts of Appeals for the District of Columbia, Third, Seventh and Ninth Circuits.

**DATE:** March 7, 2005

This is to advise you that, on February 24, 2005, the United States Telecom Association, BellSouth Corporation, Qwest Communications International, Inc., SBC Communications Inc., and Verizon Telephone Companies filed a joint Petition for Review in the U.S. Court of Appeals for the D.C. Circuit; and, on February 25, 2005, Remi Retail Communications LLC, DataNet Systems, LLC and Utility Telephone, Inc. filed single Petitions for Review in the Third, Seventh and Ninth Circuits, respectively, pursuant to 47 U.S.C. 402(a), of the following order: *Unbundled Access to Network Elements; Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, WC Docket No. 04-313 & CC Docket No. 01-338, FCC 04-290 (rel. Feb. 4, 2005), 70 Fed. Reg. 8940 (Feb. 24, 2005).

Petitioners challenge various aspects of the Commission's new network element unbundling rules that were adopted in response to the remand in *USTA v. FCC*, 354 F.3d 554 (D.C. Cir.), *cert. denied*, 125 S. Ct. 313, 316, 345 (2004).

The Courts have docketed these cases as D.C. Cir. No. 05-1058, Third Cir. No. 05-1629, Seventh Cir. No. 05-1475 and Ninth Cir. No. 05-71163. The attorney assigned to handle the litigation of these cases is James M. Carr.